

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HUNTINGTON NATIONAL
BANK, N.A.,

Plaintiff,

v.

JAMES WILKERSON,

Defendant.

/

Case No. 24-11449

David M. Lawson

United States District Judge

Curtis Ivy, Jr.

United States Magistrate Judge

ORDER GRANTING MOTION TO COMPEL (ECF No. 9)

Before the Court is Plaintiff Huntington National Bank's motion to compel production of documents that was referred to the undersigned for determination.¹ (ECF No. 9). Defendant Wilkerson, who is representing himself, was ordered to respond to the motion by January 10, 2025. (ECF No. 11). To date, Defendant has not responded to the motion or asked for more time to do so.

In his answer to the complaint, Defendant stated that he is illiterate; his wife wrote the answer for him. (ECF No. 5). Despite his claimed illiteracy, he was able to sign many loan and business documents without indication that he could not read or write. These documents are attached to Plaintiff's motion to compel. (ECF

¹ Plaintiff mentions that its requests for admission are unanswered, but makes no argument about the requests for admission nor attached those requests to its motion. Thus, the Court assumes Plaintiff seeks an order compelling responses to its requests for production of documents only.

No. 9-2). Defendant's signature on each document suggests he has at least some ability to read and write.

While the Court is sensitive to Defendant's lack of reading and writing skills, his failure to respond to the motion to compel has consequences. The consequence here is that the Court will treat the motion to compel as unopposed. When Defendant received the Court's Order to respond, if he could not read that Order, then presumably he could have given it to his wife to read and draft a response, like she did for Defendant's answer to the complaint. But Defendant did not appear to take those steps here.

The Court reviewed the motion to compel and the requests for production of documents (ECF No. 13), and finds the requests reasonable. Thus, the motion to compel is **GRANTED**. That said, given Defendant's asserted inability to read or write, the Court declines to award costs and fees. Should Defendant continue to ignore Plaintiff and this Court, costs, fees, and sanctions may be appropriate.

Defendant is **ORDERED** to respond or lodge appropriate objections to the requests for production of documents **within 21 days of this Order**. Defendant is warned that failure to comply with this Order and respond or object to the discovery requests will subject him to sanctions under Federal Rule of Civil Procedure 37(b)(2)(A), including rendering default judgment against him or treating his disobedience as contempt of Court.

IT IS SO ORDERED.

The parties here may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made. Fed. R. Civ. P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling remains in effect unless it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: January 27, 2025

s/Curtis Ivy, Jr.
Curtis Ivy, Jr.
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System or by First Class U.S. mail on January 27, 2025.

s/Sara Krause
Case Manager
(810) 341-7850